IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1280 OF 2005

IN

INCOME TAX APPEAL (LODG) NO. 531 OF 2005

The Commissioner of Income Tax .... Appellant

Vs.

M/s Wellworth Developers .... Respondent

Mrs. P.P. Bhosale & Mr. B.M. Chatterji for Appellant.
Mr. A.K. Jasani for Respondent.

CORAM : F.I. REBELLO, &
J.P. DEVADHAR, JJ.

DATE : 14TH AUGUST, 2007

P.C.

. We have considered the affidavit in support of the motion. There is no proper explanation between 23rd July 2004 and 19th October 2004 and thereafter between 25th October 2004 and 15th March 2005. In our opinion, the cause shown does not amount to sufficient cause. Hence, the motion is dismissed.

(J.P. DEVADHAR, J.) **(F.I. REBELLO, J.)**

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. In view of dismissal of notice of motion, appeal does not survive and is dismissed accordingly. Refund of court fees as per rules. Certified copy is expedited.

(J.P. DEVADHAR, J.) **(F.I. REBELLO, J.)**